

REMARKS

In the final Office Action mailed April 18, 2007, the Examiner noted that claims 1-3, 8, 9, 12 and 13 were pending, allowed claims 2-3 and rejected the elected claims 1, 8, 9, 12 and 13. claims 1, 8, 9, 12, and 13 have been amended, and, thus, in view of the forgoing claims 1-3, 8, 9, 12 and 13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claim 12 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claim 12 is statutory per se as signals are an article of manufacture. The Supreme Court has interpreted the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand-labor or machinery." *Diamond V. Chakrabarty*, 447 U.S. 303, 308 (1980)(Quoting *Am. Fruit Growers, Inc. v. Brogdex Co.*, 283 U.S. 1, 11 (1931)). As the *Chakrabarty* Court observed, the "expansive" scope of the term "manufacture" reflects Congress's intent that patentable subject matter "include[s] anything under the sun that is made by man." *Id.* at 308-09 (quoting S. Rep No. 82-2979 at 5 (1952); H.R. Rep No. 82-1923 at 6 (1952)).

This broad definition of manufacture encompasses electrical signals, which are things made by man. In the electrical arts, a machine, such as a computer produces a signal using electricity (*i.e.* electrons) to carry information. See Harry Newton, *Newton's Telecom Dictionary* 622 (17th Ed. 2001)(explaining that a signal may be "[a]n electrical wave used to convey information"). The machine transforms the signal into a useful carrier of information by encoding the signal with data through any of a plethora of techniques. Thus, the creation of an electrical signal meets the *Chakrabarty* Court's definition of manufacture: producing a signal from electricity (*i.e.*, electrons) by giving the electricity new forms, qualities and properties through the data encoding process, where the production occurs by a machine. See *Diamond V. Chakrabarty*, 447 U.S. at 308; see also *Dolbear v. Am. Bell Tel. Co.*, 126 U.S. 1, 533-35 (1888)(holding that claims to the use of electricity to carry vocal sounds – *i.e.*, information – were patentable).

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. 102

Claims 1, 8, 9, 12 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Enko, U.S. Patent no. 6,078,944.

The Examiner is requested to note the discussion of Nakagaki and to clarify whether this reference is also used in the rejection.

Enko discusses a process scheduling system within the operating system of a single multi-processor system. In contrast, the claims of the present Application are directed to a system for recording process histories of multiple systems.

The Examiner continues to hold that multiple processors disclosed in Enko teaches a "plurality of systems," as in the present claims. The *Free Online Dictionary of Computing* defines a system as:

1. The supervisor program or operating system on a computer.
 2. The entire computer system, including input/output devices, the supervisor program or operating system and possibly other software.
 3. Any large program.
 4. Any method or algorithm.
- (See <http://foldoc.org/index.cgi?query=system&action=Search>)

Whereas the same source defines a processor as:

<architecture, processor> (CPU, processor) The part of a computer which controls all the other parts. Designs vary widely but the CPU generally consists of the control unit, the arithmetic and logic unit (ALU), registers, temporary buffers and various other logic.

The control unit fetches instructions from memory and decodes them to produce signals which control the other parts of the computer. These signals cause it to transfer data between memory and ALU or to activate peripherals to perform input or output.

Various types of memory, including cache, RAM and ROM, are often considered to be part of the CPU, particularly in modern microprocessors where a single integrated circuit may contain one or more processors as well as any or all of the above types of memory. The CPU, and any of these components that are in separate chips, are usually all located on the same printed circuit board, known as the motherboard. This in turn is located in the system unit (sometimes incorrectly referred to as the "CPU").

A parallel computer has several CPUs which may share other resources such as memory and peripherals.

The term "processor" has to some extent replaced "CPU", though RAM and ROM are not logically part of the processor.

Thus, given the definition of a system, "[t]he entire computer system, including input/output devices, the supervisor program or operating system and possibly other software," it is clear that

it is capable of performing the function of the present claims. Whereas a processor (CPU) is not as a RAM and ROM are not logically part of the processor. It is therefore respectfully submitted that the Examiner is being overly broad in terming a "multiprocessor" system as a plurality of systems as a processor is not a complete system in of its self having a RAM and ROM and capable of execution of an operating system. (See further <http://en.wikipedia.org/wiki/Multiprocessing>) wherein multiprocessing is defined as "a generic term for the use of two or more central processing units (CPUs) within a **single computer system**." (Emphasis added) Thus, a single computer system may contain multiple processors, but multiple processors as defined in Enko are not multiple systems.

Therefore, Enko does not teach or suggest "a recording device for recording the process information of the specific system generated by the generating device, the process information of the specific system recorded in a shared storage medium that is shared by a plurality of systems including the specific system and is commonly searched by the plurality of systems and that collectively stores a plurality of pieces of process information of the plurality of systems, in a format such that a process information of the entire system comprising the plurality of systems is collectively managed by the shared storage medium and a process history of the plurality of systems can be tracked without requiring access to the specific system, **each system of a plurality of systems comprising a processor, a memory, and an external storage**," as in claim 1. (Emphasis added)

Enko has an operating system that is described as:

Usually, the switching of the processes and the setting/removing of the processes for each run queue are conducted by an OS (operating system) operation on the system. An OS which conducts the multi-processing control on the multi-processor system is described in Modern Operating System, Andrew S.

Tanenbaum, Prentice Hall, 1992, Chapter 12, pages 507-548.

(See Enko, col. 1, lines 50-55)

That is, the operating system is the same for all of the processors. In contrast, claim 1 emphasizes "each system of a plurality of systems comprising a processor, a memory, an external storage and a **separate operating system**". (Emphasis added)

Claims 8, 9, 12 and 13 contain similar features as discussed above. Therefore, for at least the reasons stated above, claims 1, 8, 9, 12 and 13 are patentably distinguishable from Enko.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101 and 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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